

Court of Appeals, State of Michigan

ORDER

People of MI v Daniel Richard Lee

Docket No. 296603

LC No. 2009-001503-FC

Cynthia Diane Stephens
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

In lieu of granting the delayed application for leave to appeal, the Court, pursuant to MCR 7.205(D)(2), VACATES the restitution order of October 27, 2009, and REMANDS this matter for determination of the restitution amount following an evidentiary hearing. Because defendant disputed the restitution amount and requested an evidentiary hearing at sentencing, the trial court was required to conduct a hearing and make findings of fact regarding the proper restitution amount under MCL 780.767(4). *People v Gahan*, 456 Mich 264; 571 NW2d 503 (1997). The trial court shall also delete any references to Florida convictions in defendant's presentence report and send a copy of the corrected report to the Department of Corrections. *People v Norman*, 148 Mich App 273, 276; 384 NW2d 147 (1986).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 16 2010

Date

Sandra Schultz Mengel
Chief Clerk